

Remarks

Claims 1-2, 7-8, and 26-40 were pending in this application. Applicants acknowledge withdrawal of Claims 26-31 and 36-38 by the Examiner. Claims 1 and 2 have been amended. The amendments made herein to the specification and claims do not incorporate new matter into the application as originally filed. Support for the amendments can be found in the drawings and throughout the instant specification, and is clearly shown in elected Figure 7E, in elements 48 and 49.

Claim Rejections under 35 USC § 102

The Examiner has rejected Claims 1-2, 7-8, 32-35 and 39-40 under 35 U.S.C. §102(b) as being anticipated by Morrison, U.S. Patent Number 2,542,828 (hereinafter "Morrison"). Independent Claim 1, as presently amended, now recite the limitations of a detenting action of the base to keep the button extended and to prevent inadvertent application of force upon the spring. These limitations which have been incorporated into Claim 1 distinguish over Morrison.

Additionally, Morrison does not teach or suggest scarifyer rotation proportional to the travel to the pushbutton of Morrison. In contrast, the limitation of Claim 2 of the present invention is for a rotation of the base (and thus the abrader) proportional to the pushbutton collapse. Therefore, Morrison cannot anticipate Claim 2. For the Examiner's convenience, shown below are annotated figures from:

Applicant's Fig. 7C & 7E

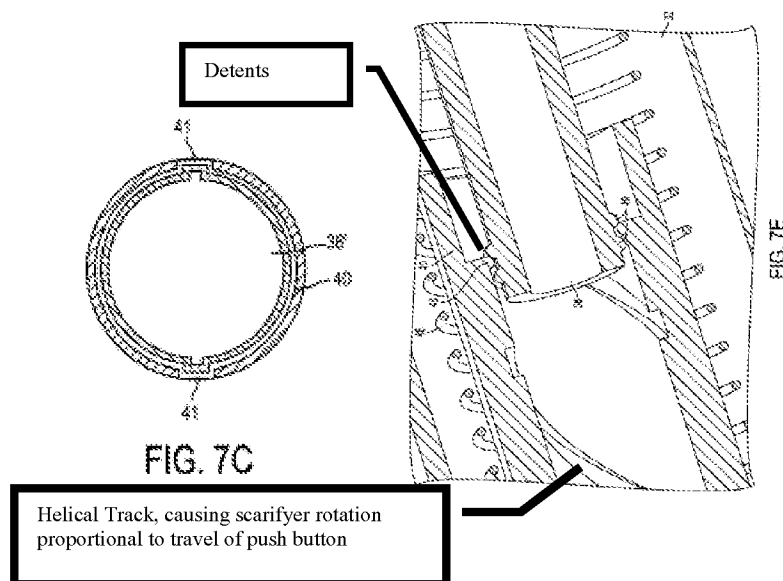
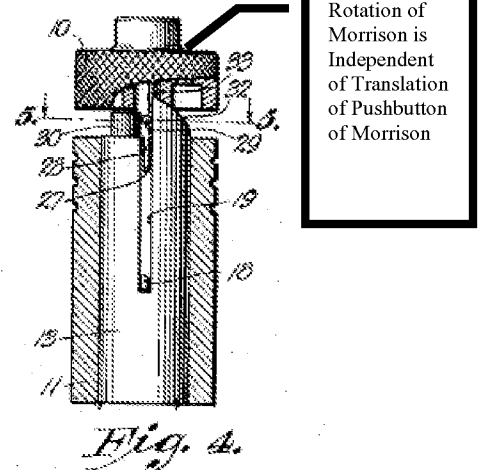


Fig. 4. of Morrison



To support a rejection of a claim under 35 U.S.C. § 102, it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. In addition, the prior art reference must disclose the limitations of the claimed invention “without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.” Therefore, since Morrison does not describe or suggest either alone or in combination any of the detenting or proportional rotation limitations, these references cannot anticipate the Applicants’ invention as claimed. Applicants respectfully requests that the Examiner withdraw the 35 U.S.C. §102 rejections against Claims 1-2, 7-8, 32-35 and 39-40.

Claim Rejections under 35 USC § 103

The Examiner has rejected Claims 1-2, 7-8, 32-35 and 39-40 under 35 U.S.C. §103 as being unpatentable over Guye, U.S. Patent Number 2,688,970 (hereinafter “Guye”), in view of Sage et al. U.S. Patent Number 6,835,184 (hereinafter “Sage”). Independent Claim 1, as presently amended, now recite the limitations of a detenting action of the base to keep the button extended and to prevent inadvertent application of force upon the spring. Furthermore, Guye does not teach or suggest proportional rotation. In fact, the rotation of Guye is accomplished by a torsion action of a spring, not by any pushbutton movement. These limitations which have been incorporated into Claim 1 distinguish over Guye and Sage.

The Examiner has rejected Claims 1-2, 7-8, 32-35 and 39-40 under 35 U.S.C. §103 as being unpatentable over Jang, U.S. Patent Number 5,843,114 (hereinafter “Jang”), in view of Sage. Independent Claim 1, as presently amended, now recite the limitations of a detenting action of the base to keep the button extended and to prevent inadvertent application of force upon the spring. Furthermore, Jang does not teach or suggest proportional rotation. In fact, it appears that the rotation of Jang is about a totally different axis, an axis parallel to the skin. These limitations which have been incorporated into Claim 1 distinguish over Jang and Sage.

Conclusion

In view of the Remarks above, applicant respectfully submits that Claims 1-2, 7-8, 32-35 and 39-40 are in condition for allowance, and respectfully requests that the Examiner earnestly reconsider the rejections and objections of the present application. Applicant hereby authorizes the Commissioner to charge the fees necessary in connection with this RCE, Response, and any other fees necessary in connection with this application, to Deposit Account Number 02-1666.

In light of the above amendments and remarks, Applicant respectfully requests that the Examiner enter the amendments and consider the remarks made herein. Consideration and prompt allowance of the claims are respectfully submitted.

Any questions concerning this application or amendment may be directed to the undersigned agent of applicant.

Respectfully submitted,

Dated: November 6, 2007.

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